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Remarks

Entry of the offered amendments and reconsideration thereafter is respectfully requested. On entry of the offered amendments, claims 2-5, and 12-15 remain pending, claims 1, 6-11 and 16-22 would be cancelled.

Claim Amendments

In response to the Final Office Action, Applicant offers to cancel independent claims 1 and 11, and rewrite claims 2 and 12 in independent form to include the same recitations previously included in claims 1 and 11, and in claims 2 and 12 when previously presented in dependent form. No new issues have been raised as the amended claims 2 and 12 are essentially unchanged. Therefore, the applicant believes it is proper for the examiner to enter the amendments to claims 2 and 12, and respectfully requests the examiner enter them. In addition Applicant offers to cancel claims 6-10, and 16-22.

Claim Rejections – 35 USC § 103

The examiner has rejected claims 2-5, and 12-15 under 35 U.S.C. 103(a) as being unpatentable over Patriche et al. US 6,499,609 (hereinafter Patriche) in view of Bishop et al. US 2002/0149911(hereinafter Bishop). Applicant respectfully traverses.

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); see also MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141. Further, In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves

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would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

Claim 2 reads as follows:

2. A modular platform, comprising:
a chassis having a front side and a back side, and configured to receive modular platform boards;
a plenum associated with the chassis ; and
at least one chassis management module designed to at least partially control and at least partially ensure proper operation of the modular platform boards and to be removably disposed in the at least one plenum in a substantially parallel relationship with a flow of a cooling medium passing through the plenum; and
wherein the plenum is a dual plenum and the chassis management module is positioned substantially vertical in the dual plenum. (Underlining added)

And claim 12 reads as follows:

12. A system comprising,
a rack; and
a plurality of modular platforms mounted in the rack, at least one of the modular platforms including
a chassis having a front side and a back side, and configured to receive modular platform boards,
a plenum associated with the chassis , and
at least one chassis management module designed to at least partially control and at least partially ensure proper operation of the modular platform boards and to be removably disposed in the at least one plenum in a substantially parallel relationship with a flow of a cooling medium passing through the plenum; and
wherein the plenum is a dual plenum and the chassis management module is positioned substantially vertical in the dual plenum. (Underlining added)

Claims 2 and 12 when viewed as a whole, as required by law, are directed toward a modular platform with two distinct sets of elements disposed within the modular platform in different places. Each set of elements also provides distinct functions for the modular platform. Specifically, modular platform boards are configured to be received by a chassis, and at least one chassis management module is removably disposed in a dual plenum, i.e. they are in different places. In addition, the chassis management module is designed to at least partially control, and at least

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partially ensure proper operation of the modular platform boards, i.e. they provide distinctly different functions.

In rejecting claims 1 and 11 the Examiner admits on page 2 of the Office Action that Patriche does not disclose the chassis management module being removably mounted. The Examiner states:

"Patriche et al. disclose the instant claimed invention except for one chassis management module being removably mounted therein the rack/chassis system."

"Bishop et al. disclose a chassis system (figures 1-3) having at least one chassis management module (26, 28) being removably mounted therein the chassis system to control operation of another platform boards in therein (Paragraphs 0078 and 0080-0081)."

Regarding the examiner's rejection of claims 2 and 12 the Examiner states:

"Regarding claims 2 and 12 Patriche et al. disclose the plenum (24) being a dual plenum and the chassis management module (14) being positioned substantially vertical in the dual plenum (Figure 1)."

Claims 2 and 12 both require "a chassis ... configured to receive modular platform boards;"

"at least one chassis management module designed to at least partially control and at least partially ensure proper operation of the modular platform boards" and "wherein the plenum is a dual plenum and the chassis management module is positioned substantially vertical in the dual plenum".

The Examiner is apparently equating the shelf unit 14 disclosed by Patriche with applicant's chassis management module. Please refer to column 2, lines 39 through 40 wherein Patriche states "a plurality of vertically spaced-apart cabinets or shelf units 14." One skilled in the art would clearly not look at shelf units and arrive at a chassis management module.

Patriche discloses a COMPACT SHELF UNIT FOR ELECTRONIC EQUIPMENT RACK comprising a plurality of printed circuit board assemblies 16 in a shelf unit 14.

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Air intake ports 24 are disposed below the rack to draw in ambient air through the overlying shelf unit 14.

Column 2 lines 41-42 of Patriche states "each shelf unit 14 includes a plurality of printed circuit board assemblies 16." Just for the sake of argument, even if one were to assume Patriche's shelf unit 14 could somehow suggest to one skilled in the art a chassis management module, as applicant claims, Patriche's printed circuit board assemblies 16 are, by necessity in the same place. As discussed, and by contrast, applicant claims two distinct sets of elements (modular platform boards and at least one chassis management module) disposed within the modular platform in two different places.

The examiner equates Patriche's intake port 24 to applicant's dual plenum (page 2, paragraph 2, line 7 of the Examiner's action). However, Patriche's shelf unit 14 (equated to applicant's chassis management module by the examiner, as discussed) is not in Patriche's intake port. Therefore applicant's claim language "the chassis management module is positioned substantially vertical in the dual plenum" is not met.

Further still, applicant's claims require "a chassis ...configure to receive modular platform boards". Admittedly, Patriche's shelf unit may be viewed as a chassis, but Patriche's shelf unit can not be viewed as both a chassis and a chassis management module. Respectfully, the examiner has stretched Patriche's teachings beyond what is really shown and has attempted to make them fit what applicant claims.

Bishop teaches multiple cabinet assemblies 14 in an environment (a room) 10. Each cabinet assembly 14 is cooled from below via conduit members 89 which extend from an aired cooled floor. Multiple electronic modules 26, 28, 30, 32 and 34 are essentially equally placed with regard to a plenum space 151 (i.e. adjacent thereto) within each cabinet assembly. None of Bishop's electronic modules are in Bishop's plenum space 151. In fact, nothing is in Bishop's plenum space 151.

In addition, all of Bishop's electronic modules 26, 28, 30, 32 and 34 are essentially equal regarding control or management. None are designed to at least partially control and at least ensure proper operation of any of the others, as required

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by applicant's claims 2 and 12. Please refer to Paragraph of Bishop [0078] wherein it states:

"Although not illustrated, a plurality of table and data buses will be provided either within space 216 or laterally with respect to electronic modules 26, 28, 30, 32, and 34 that provide power to the modules and also enable data communications between the modules. "

There is no suggestion to have any of Bishop's modules do anything but act on coequal footing to exchange data.

Even if one were to assume that one skilled in the art would see Bishop's electronic modules as analogous to modular platform boards, it still leaves the reference silent on anything analogous to a chassis management module. The examiner is applying impermissible hindsight by arbitrarily selecting two of Bishop's electronic modules and redefining them to be equivalent to applicant's at least one chassis management module. All of Bishop's electronic modules function at the same level. No module controls any other.

Neither Patriche nor Bishop provide any teaching whatsoever with regard to a chassis management module, and further none have provided any teaching with regard to where to place a chassis management modular. By contrast the Applicant has provided an inventive placement of one or more chassis management modules, i.e., "positioned substantially vertical in a dual plenum". Clearly the claimed invention as a whole is not obvious in view of Patriche or Bishop whether taken alone or in combination. Further, no motivation can be found in either reference to modify either, or both, to arrive at applicant's invention as claimed. Reconsideration and allowance of claims 2 and 12 is respectfully requested.

Claims 3-5 depend from and include all the limitations of base claim 2 therefore claims 3-5 are also in condition for allowance. Similarly, Claims 13-15 depend from and include all the limitations of base claim 12 therefore claims 13-15 are also in condition for allowance. Allowance is respectfully requested.

Claim Rejections – 35 USC § 103

The examiner has rejected claims 8-10, and 18-22 under 35 U.S.C. 103(a) as being unpatentable over Patriche et al., in view of Harris et al. [US 2003/0235042].

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Claims 8-10, and 18-22 will have been cancelled if the offered amendment is entered.
If so entered the rejection will be moot.

Conclusion

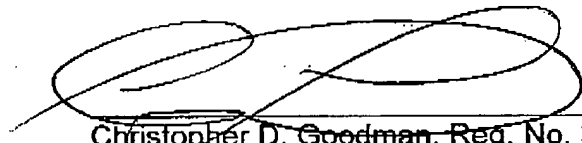
Applicant submits all the claims in the present application, specifically claims 2-5, and 12-15 are in condition for allowance. A Notice of Allowance is respectfully requested.

If there are any questions, the Examiner is invited to contact the undersigned at (503) 796-2496. Also, the Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

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